

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 89640

Dane and Debra Keiter

1345 Dalton Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on March 23, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-112, 115, 310, 312; 13-4-201; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, failure to cease open dump conditions, failure to store all garbage in containers with tight fitting lids on residential property.

On March 3, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Kim Wood issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$200.00 (two hundred dollars).

The following persons appeared for the Hearing and testified: Debra Keiter, Respondent and, Kim Wood, Baltimore County Code Enforcement Officer.

Testimony revealed that this property has been the subject of a previous citation, which was resolved through compliance by the owner. It was closed with no fine or suspended penalty. Upon receiving a second complaint, an inspection of the property took place on 3/3/11. At that time the inspector saw garbage overflowing out of cans, trash on the ground as well as auto parts left in the open. A citation was immediately issued, mailed and posted. On 3/22/11 a pre-hearing re-inspection

took place, revealing that there were now lids on the two garbage cans in question. However, there was still a plastic bag of debris on the ground as well as the auto parts. A sofa and chair was also placed on the rear porch. The Respondent acknowledged the situation and stated that she had not had a chance to get the furniture items to the dump, but had dealt with the trash can issue. She testified that the car parts were the property of her brother-in-law. She advised that she was getting a truck to haul the items away and would arrange for the brother-in-law to remove his items.

Having heard the testimony and evidence presented at the hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that \$150.00 of the \$200.00 civil penalty be suspended, with an immediate \$50.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$150.00 will be imposed if the property is not brought into immediate compliance.

IT IS FURTHER ORDERED that the remaining \$150.00 will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 29th day of March 2011

Signed: Original Signed 3/29/11
Lawrence M. Stahl
Managing Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

LMS/jaf